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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TERI MICHELLE MCCALL,  
individually, and as successor in interest  
for the estate of ANTHONY JACKSON  
MCCALL, deceased,

Plaintiff,

vs.

MONSANTO COMPANY,

Defendant.

Case No.: 2:16-cv-1609

**NOTICE OF RELATED CASE**

**NOTICE OF RELATED CASE**

Plaintiff Teri Michelle McCall ("Plaintiff") gives notice pursuant to Local Rule 83-1.3 and General Order 14-03 § II.I.1.b that this case relates to the following matters pending in the United States District Court for Central District of California:

- *Rubio v. Monsanto Company*, 2:15-CV-7426, filed September 22, 2015, currently before the Honorable District Judge Dolly M. Gee; and
- *Huerta v. Monsanto Company*, 5:16-CV-153, removed from state court on January 26, 2016, currently before the Honorable Chief District Judge George H. King.

1 The operative complaints and dockets for each matter are attached to this notice as  
2 Exhibits A-1, A-2 (*Rubio*), and B-1, B-2 (*Huerta*), respectively.

3 Pursuant to Local Rule 83-1.3.1, two or more cases are considered related when  
4 the cases “call for determination of the same or substantially related or similar  
5 questions of law and fact” or for other reasons that “would entail substantial  
6 duplication of labor if heard by different judges.”

7 This matter, like *Rubio* and *Huerta*, seeks to recover damages under California  
8 law caused by Defendant Monsanto Company’s herbicide Roundup. Specifically, both  
9 Rubio and Huerta allege, as the Plaintiff alleges here, that the injured parties developed  
10 cancer, i.e., non-Hodgkin lymphoma, after being exposed the active chemical  
11 ingredient within Roundup, glyphosate, while working in the agricultural industry.  
12 This case, like *Rubio* and *Huerta*, claims that Monsanto knew that glyphosate could  
13 cause cancer in people exposed to the herbicide and took to action to properly warn or  
14 disclose those risks.

15 Accordingly, this case involves the “same or substantially related or similar  
16 questions of law and fact” as *Rubio* and *Huerta*. Those same, substantially related or  
17 similar questions of law and fact include, *inter alia*:

- 18 • Whether Monsanto is liable under California strict products liability law for  
19 failing to design a safe product;
- 20 • Whether Monsanto is liable under California strict products liability law for  
21 failing to warn about the known risks associated with use of Roundup;
- 22 • Whether Monsanto is liable under California negligence law for, among  
23 other things, failing to adequately test, failing to adequately design, failing to  
24 adequately warn, and failing to take reasonable care in the development,  
25 selling, marketing, and promotion of Roundup to consumers and/or  
26 agricultural workers within California;
- 27 • Whether Monsanto acted with the requisite fraudulent intent, malice, or  
28

reckless disregard for consumer safety to warrant, under California law,  
punitive damages;

- Whether glyphosate causes cancer, specifically, non-Hodgkin lymphoma;  
and
- Whether Monsanto can meet the “demanding” affirmative defense of federal preemption in avoiding liability for failure-to-warn;

These are just a selection of those legal and factual issues that are common to this case and *Rubio* and *Huerta*, making them related under Local Rule 83-1.3.1.

Additionally, there would likely be duplication of labor if this matter were assigned to different judges. Specifically, much of the anticipated discovery will overlap between these actions and issues related to case management will likely be the same. Having different judges adjudicating the same issues will result in needless duplication of effort and time by the Court, and could even result in conflicting rulings.

Thus, Plaintiff asks that the Court take notice of these related actions and respectfully requests that this matter be assigned to the Honorable Dolly M. Gee, who is presiding over *Rubio*, the first-filed personal injury / cancer filed lawsuit within this district involving Monsanto’s Roundup.

Dated: March 9, 2016

**BAUM HEDLUND ARISTEI & GOLDMAN, P.C.**

/s/ R. Brent Wisner

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**CERTIFICATE OF SERVICE**

I, R. Brent Wisner, hereby certify that, on March 9, 2016, I electronically filed NOTICE OF RELATED CASE with the United States District Court for the Central District of California using the CM/ECF system which will send a notification of such filing to counsel of record.

/s/ R. Brent Wisner  
R. Brent Wisner